

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application, and for the personal interview conducted on September 14, 2004. The application has been carefully reviewed in light of the Office action, and the paper is in response thereto.

Claims 1-19 remain in this application.

An RCE is filed with this amendment to reopen prosecution on the merits.

Claims 1-19 were again rejected under 35 U.S.C. §102(b) as being anticipated by Sawahashi et al. (U.S. 5,590,409). For the following reasons, the rejection is respectfully traversed.

Claim 1 has been amended to recite that a "transmission power control bit" is used such that a "transmission power control *step* range changer which changes a transmission power control *step* range corresponding to the transmission power control bit based on the detected communication state" (emphasis added). Claim 10 recites a step using similar language at lines 10-14. The cited reference does not teach these limitations of claims 1 or 10.

As discussed at the personal interview, Sawahashi teaches an open loop control, and a closed loop control that uses a transmission power control bit that corresponds only to a fixed power step, as is typical in the art. Specifically, the transmission power control bit represents a fixed increment or a decrement in power (col. 7, lines 9-12). There is no teaching that the power step range corresponding to the transmission power control bit can be changed.

It was agreed at the personal interview that the reference does not teach any "power control *step* range changer" which "changes a transmission power control *step* range corresponding to the transmission power control bit based on the detected communication state" as recited in amended claims 1 and 10 (emphasis added). Consequently, those claims are patentable over the reference.

The remaining claims in this case depend on one or both of claims 1 and 10, and thus are patentable for at least the same reasons as the parent claim.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is

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determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33220.

Respectfully submitted,

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